

Department of Corrections Advisory Council
Meeting Minutes
Nov. 30, 2006
Park Plaza Hotel – Helena, MT

Members Present

Lt. Gov. Bohlinger, Dave Castle, Steve Gallus, Gail Gutsche, Bob Ross, Trudi Schmidt, Mikie Baker-Hajek, Mike Cooney, William Dial, Emery Jones, Red Menahan, Jim Shockley, and Channis Whiteman

Meeting was called to order by Chairman Bohlinger at 8:30. Minutes were moved to be approved as written on motion of Mr. Menahan and seconded by Rep. Gutsche. Motion passed unanimously.

Offender management strategies/sex offender issues:

Presenter Gary Kempker from the Center for Effective Public Policy gave an overview of his six month statewide jail study funded through a technical assistance grant. The primary goal is to ensure public safety in Montana's overcrowded jails. Four areas of offender management were studied; 1) offender information - i.e., jail time served and what type of crime was committed 2) resources - i.e., recidivism prevention utilizing community based programs with emphasis placed on faith based programs 3) applying existing resources to specific types of offenders and 4) monitoring outcomes as the offender goes through the legal system.

Mr. Kempker's findings revealed that shorter incarceration sentences produce better results, probation is better than jail, use the intervention strategies that have proven effective in that treatment works, and use intermediate sanctions vs. remanding the offender back to jail.

His six recommendations were:

- Create a statewide offender management committee with members drawn from all criminal justice agencies – judicial, correctional and legal.
- Collect and analyze offender profile data
- Conduct a state and local level resource analysis as to what treatment/programs are available
- Create a system flowchart
- Analyze existing policies and procedures and make necessary changes to create a more effective process in dealing w/ offenders
- Utilize cross-system training

Proposition 36-Substance Abuse and Crime Prevention Act:

The presentation was via conference call with Daniel Abrahamson who is the co-author of California's Proposition 36. The basis of Prop. 36 is to divert nonviolent offenders, probationers, and parolees that have been charged with simple drug possession or drug use offenses, (i.e., using not selling), into community-based substance abuse treatment programs. The average treatment cost per year under Prop 36 is \$3,300 vs. \$34,000 annually for offenders sentenced to a secure facility. Substance abuse counselors review the offender's history of length of substance abuse before making a recommendation to the sentencing judge as to what sanction should be imposed – treatment or incarceration. Treatment programs in California are 12 months in duration with six months of aftercare follow-up and approximately three years of probation to follow. Offenders have three chances to complete the conditions imposed by a drug court and the 12-month treatment does not have to be completed consecutively. One major goal of Prop. 36 is to reduce drug-related crime and utilize jails and prison cells for serious and violent offenders.

Therapists' perspective on sex offender issues:

Ms. Shawn Abbott from Great Falls and Dr. Mike Scolatti from Missoula gave their perspective to the council. Two issues stressed by both presenters was the need for statewide coordination of community-based services and that providers specializing in sex offender therapy should be indemnified by the state. Mandatory sentencing for statutory offenders (involving underage females and older males) needs to be addressed legislatively as this crime represents the least threat to communities. A prerelease center for sex offenders is sorely needed in Montana. NCIC reports should be available more readily in order for the counselors to do a thorough evaluation of the offender. Level 1 offenders should be sentenced to outpatient treatment with the cost per month of \$250-\$300 as opposed to prison where the cost runs \$49,000 per year. (The speaker later modified this figured to \$29,000.) Level 2 and 3 offenders need to have a re-entry program in place while still in prison that reflect real-life issues they will be facing – housing, finding a job, completing their education, etc. so they are equipped with basic living skills upon their release.

Public Comment:

Director Mike Ferriter gave a brief overview of the biennial report the department has prepared for the Legislature and general public. He stressed the theme of the department will focusing on community corrections programs.

Chris Christiaens from Great Falls and Bob Benton, a former inmate from Crossroads Correctional Center in Shelby, talked about the Opening Doors program in Great Falls and the major roadblocks encountered by newly released offenders. Gate money of \$100 is clearly not enough to cover the basic

necessities of food, shelter and clothing. The problem of obtaining a birth certificate for identification card purposes poses a major issue. It is critical for offenders to have in their possession a valid identification card to present to prospective employers, landlords, etc. At the least, a one-year discharge planning program needs to be established and an accurate statewide resource list of community-based programs should be available for soon-to-be discharged offenders.

Jerry Marble of Missoula addressed the council regarding his concerns of holding accountable those persons that falsely accuse innocent people of crimes.

Wardens Mike Mahoney, Montana State Prison, and Jim MacDonald, Crossroads Correctional Center in Shelby, responded to various statements made by Mr. Christiaens and Bob Benton. Both wardens agreed that the present gate money is insufficient and that an accurate community resource database is needed to assist discharging offenders. Warden MacDonald also stated that he would personally address the “we’ll keep a bed warm for you” comment allegedly made by a correctional officer. Warden Mahoney stated that a photo identification picture is taken at the time of intake and placed in each offender’s file to be given back at time of discharge. Through Montana Correctional Enterprises, offenders can take the test for regular and commercial driver’s licenses, which then can be used for identification purposes. Montana State Prison will look into issuing a similar identification card as the Department of Justice’s drivers exam stations issue for identification purposes only.

Ali Bovington and Mike Batista of the Department of Justice gave the council a handout and overview of the 14 points of the proposed legislation currently contained in a draft bill dealing with sex offender accountability. The Department of Justice’s bill combines aspects of Jessica’s Law and the Adam Walsh Child Safety Act.

Discussion/action on study subcommittee recommendations:

Below is a summary of the actions taken on the subcommittee recommendations.

1. Expand community-based programs and services: (three recommendations)
 - Financial incentives for local governments/service providers. This proposal was modeled after the Juvenile Delinquency Intervention Program and would require legislative action to implement. The proposal was not in the department’s proposed budget submitted to the governor’s budget office. Sen. Cooney made a motion that this recommendation be floated as a pilot project. The motion was seconded by Mr. Menahan and seconded by Senator Gallus, the recommendation passed unanimously by the council.
 - Drug courts. Legislation would be needed to change the name to “treatment courts” and the council was advised that the department did not budget for providing probation and parole officers to assist the courts

when needed. Sen. Gallus moved this recommendation and received a second by Rep. Gutsche. The recommendation passed unanimously by the council.

- Guide homes. The proposal was not in the department's proposed budget. No legislation would be required to implement this recommendation. Discussion was held as to liability, a stipend would be needed, develop oversight and criteria. Sen. Schmidt moved and was seconded by Rep. Gutsche. The recommendation passed unanimously by the council.

2. Stipend for offender to restart their lives. The proposal was not in the department's proposed budget. Legislation would be required to implement this recommendation. Offenders in prerelease do not get "gate money." Sen. Cooney, with a second by Mr. Menahan, moved to increase the current amount of \$100. The motion passed 10-1.

3. Create separate registries to distinguish between sexual and violent offenders. The current registry Web site is already familiar with the public and violent offenders are not required to register for life. Sen. Schmidt moved to table; Chief Dial Seconded. The recommendation was tabled unanimously by the council.

4. Change the way sexual offenders are categorized. Pending legislation will address the issue. Rep. Gutsche moved to table, Chief Dial seconded. The recommendation was tabled unanimously by the council.

5. Re-entry (two recommendations)

- Counselors and services. No legislation would be required to implement this recommendation. Change the words mental health counselors to "case managers." Council recommended adding two full-time mental case managers to MSP staff. Sen. Gallus moved approval of the recommendation, seconded by Chief Dial. The recommendation passed unanimously by the council.
- Specialized case managers. No legislation would be required to implement this recommendation. The proposal was not in the department's budget proposal. Sen. Gallus moved approval, seconded by Bob Ross. The recommendation passed unanimously by the council without any changes.

6. Additional assistance to sex offenders. Increase treatment program capacity, requested the department to petition for additional money for hiring of additional substance abuse counselors and sex therapists. The council asked that a study be done by the department in researching the possibility of the state indemnifying sex therapists and the possibility of siting a prerelease for sex offenders only or adding a bonus to the per-diem to prerelease centers who take sex offenders. Sen. Schmidt moved and was seconded by Mr. Menahan. The recommendation passed unanimously by the council.

7. Create comprehensive database of available community services for offenders. No legislation would be required to implement this recommendation. But a budget increase would be needed to implement and keep the database updated. Mr. Ross moved approval, seconded by Sen. Cooney. The recommendation passed unanimously by the council.

8. Study a law similar to California's Prop. 36. No legislation would be required to implement this recommendation. It would have to be extensively researched and worded to fit Montana. Sen. Gallus moved approval, seconded by Chief Dial. The recommendation passed unanimously by the council.

Public Comment:

At the September meeting there was conflicting understanding from the council members as to whether intensive supervision program screening committees were disbanded or still functioning. Pam Bunke, administrator of the Adult Community Corrections Division, informed the council that the division still uses the screening committees for ISP, except for offenders released by the Board of Pardons and Parole.

Next Meeting

Tentatively scheduled for May 17, 2007.

Adjourn

Minutes condensed and summarized by Ted Ward, directors office, Department of Corrections. All handouts and reports can be found at the following link:
<http://cor.mt.gov/Resources/AdvisoryCouncil.asp>